IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31823 of 2007(L)

PETITIONER:

SREEKUMARAN NAIR, AGED 58,
S/O BHASKARA PILLAI, KUNJU VEEDU,
NEMOM VILLAGE, NEMOM, THIRUVANANTHAPURAM.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:

---

1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDHYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPRUAM.

2. THE ASSISTANT ENGINEER,
K.S.E.BOARD, ELECTRICAL SECTION,
NEMOM, NEMOM VILLAGE, THIRUVANANTHAPURAM.

BY P.P. THAJUDEEN, SC FOR R1 AND R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J

W.P.(C). 31823/2007

Dated this the 26th day of October, 2007

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Board.

2. So far as the arrears of current charges are concerned, parties are governed by the decision in R.S.A.409/2005. The petitioner requests for waiving of surcharge and that the said issue may be left for consideration of the Government.

3. Having regard to the totality of the facts and circumstances and the amounts involved, this writ petition is disposed of directing that out of the amounts covered by Ext.P6, if the petitioner deposits Rs.70,000/- and reconnection charges, supply of energy would be reconnected and would be sustained further on condition that the petitioner deposits a further amount of Rs.30,000/- within two weeks from now and continues to remit at the rate of Rs.30,000/- per month to wipe off the

entire outstanding due under Ext.P6 to avoid further distress action by way of disconnection and recovery. He shall also continue to pay all future bills as and when raised.

The above direction shall not stand in the way of the petitioner moving appropriate competent authority if any, for waiver of the whole or part, of the surcharge and if he is given any favourable order, the amount payable under Ext.P6 will stand modified accordingly.

THOTTATHIL B. RADHAKRISHNAN
Judge

mrcs